



March 30, 2007

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## ENGROSSED HOUSE BILL No. 1116

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DIGEST OF HB 1116 (Updated March 28, 2007 2:12 pm - DI 104)

**Citations Affected:** IC 20-28; IC 20-34; IC 34-6; IC 34-30; noncode.

**Synopsis:** Volunteer health aides for diabetic students and emergency procedures training for teachers. Requires an individual to have training in cardiopulmonary resuscitation (CPR), removing obstructions to a person's airway, and the Heimlich maneuver before obtaining an initial license as a teacher. Establishes immunity from liability for certain acts or omissions by a teacher who has been trained in CPR, removing obstructions, and the Heimlich maneuver. Establishes a training program for school nurses and for school employees who volunteer to assist students with diabetes in managing and treating the diabetes. Sets forth requirements for individualized health plans for students who will be managing and treating diabetes while at school or school activities. Requires a school corporation to report information on the number of students with chronic diseases and the number of school nurses. Requires the department of education to report this information to the health finance commission.

**Effective:** Upon passage; July 1, 2007.

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**Cheatham, Klinker, Dermody,  
Duncan**

(SENATE SPONSORS — LANDSKE, ROGERS)

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January 8, 2007, read first time and referred to Committee on Education.  
February 15, 2007, amended, reported — Do Pass.  
February 19, 2007, read second time, ordered engrossed. Engrossed.  
February 20, 2007, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 27, 2007, read first time and referred to Committee on Education and Career Development.

March 6, 2007, pursuant to Senate Rule 65(b), reassigned to Committee on Health and Provider Services.

March 29, 2007, amended, reported favorably — Do Pass.

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EH 1116—LS 6404/DI 109+



March 30, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1116

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-28-5-3, AS ADDED BY P.L.246-2005,  
2       SECTION 157, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The department shall  
4       designate:

- 5               (1) the grade point average required for each type of license; and  
6               (2) the types of licenses to which the teachers' minimum salary  
7               laws apply, including nonrenewable one (1) year limited licenses.

8       (b) The department shall determine details of licensing not provided  
9       in this chapter, including requirements regarding the following:

- 10              (1) The conversion of one (1) type of license into another.  
11              (2) The accreditation of teacher education schools and  
12              departments.  
13              (3) The exchange and renewal of licenses.  
14              (4) The endorsement of another state's license.  
15              (5) The acceptance of credentials from teacher education  
16              institutions of another state.  
17              (6) The academic and professional preparation for each type of

EH 1116—LS 6404/DI 109+



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license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

**(c) After June 30, 2007, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:**

**(1) has successfully completed training approved by the department in:**

**(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**

**(B) removing a foreign body causing an obstruction in an airway; and**

**(C) the Heimlich maneuver;**

**(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:**

**(A) the American Red Cross;**

**(B) the American Heart Association; or**

**(C) a comparable organization or institution approved by the advisory board; or**

**(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).**

**(d) The department shall periodically publish bulletins regarding:**

**(1) the details described in subsection (b);**

**(2) information on the types of licenses issued;**

**(3) the rules governing the issuance of each type of license; and**

**(4) other similar matters.**

SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

**Chapter 5. Care of Students With Diabetes**

**Sec. 1. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 12 of this chapter.**

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1       Sec. 2. As used in this chapter, "health care services" has the  
2 meaning set forth in IC 27-8-11-1.

3       Sec. 3. As used in this chapter, "individualized health plan"  
4 means a coordinated plan of care designed to meet the unique  
5 health care needs of a student with diabetes in a school setting.

6       Sec. 4. As used in this chapter, "licensed health care  
7 practitioner" means an individual who:

- 8           (1) is licensed to provide health care services; and
- 9           (2) has prescriptive authority;

10 under IC 25.

11       Sec. 5. As used in this chapter, "physician" refers to an  
12 individual who is licensed under IC 25-22.5.

13       Sec. 6. As used in this chapter, "registered nurse" refers to an  
14 individual who is licensed as a registered nurse under IC 25-23.

15       Sec. 7. As used in this chapter, "school" refers to a public  
16 school, including a charter school.

17       Sec. 8. As used in this chapter, "school employee" means an  
18 individual employed by:

- 19           (1) a public school, including a charter school, or an
- 20           accredited nonpublic school;
- 21           (2) a local health department working with a school under this
- 22           chapter; or
- 23           (3) another entity with which a school has contracted to
- 24           perform the duties required under this chapter.

25       Sec. 9. As used in this chapter, "school nurse" refers to an  
26 individual who:

- 27           (1) is employed by a school;
- 28           (2) is licensed as a registered nurse under IC 25-23; and
- 29           (3) meets the requirements set forth in 515 IAC 8-1-47.

30       Sec. 10. As used in this chapter, "student" refers to a student  
31 with diabetes.

32       Sec. 11. As used in this chapter, "volunteer health aide" means  
33 a school employee who:

- 34           (1) is not licensed or authorized to provide health care
- 35           services under IC 25;
- 36           (2) volunteers to act in the capacity of a volunteer health aide;
- 37           and
- 38           (3) has successfully completed the training described in
- 39           section 14 of this chapter.

40       Sec. 12. (a) A diabetes management and treatment plan must be  
41 prepared and implemented for a student with diabetes for use  
42 during school hours or at a school related activity. The plan must

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be developed by:

- (1) the licensed health care practitioner responsible for the student's diabetes treatment; and
- (2) the student's parent or legal guardian.

(b) A diabetes management and treatment plan must:

- (1) identify the health care services or procedures the student should receive at school;
- (2) evaluate the student's:
  - (A) ability to manage; and
  - (B) level of understanding of;
 the student's diabetes; and
- (3) be signed by the student's parent or legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent or legal guardian of a student with diabetes shall submit a copy of the student's diabetes management and treatment plan to the school nurse. The plan must be submitted to and be reviewed by the school nurse:

- (1) before or at the beginning of a school year;
- (2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
- (3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 13. (a) An individualized health plan must be developed for each student with diabetes while the student is at school or participating in a school activity. The school's nurse shall develop a student's individualized health plan in collaboration with:

- (1) to the extent practicable, the licensed health care practitioner responsible for the student's diabetes treatment;
- (2) the school principal;
- (3) the student's parent or legal guardian; and
- (4) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan.

Sec. 14. (a) At each school in which a student with diabetes is enrolled, the school principal, after consultation with the school nurse, shall:

- (1) seek school employees to serve as volunteer health aides; and
- (2) make efforts to ensure that the school has an adequate number of volunteer health aides to care for students.

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(b) A volunteer health aide while providing health care services serves under the supervision and authorization of the principal and the school nurse in accordance with the requirements that apply to the school nurse under IC 25-23.

(c) A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.

(d) A school employee may not be subject to any disciplinary action for refusing to serve as a volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:

- (1) chooses to perform; and
- (2) is trained to perform in the training program described in section 15 of this chapter.

Sec. 15. (a) The department, with the assistance of physicians or registered nurses who are qualified in the area of diabetes training and the state department of health, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and instruction in the following:

- (1) Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.
- (2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia.
- (3) Understanding the current standards of practice and the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (4) Performing tests to check glucose and ketone levels, and recording the results.
- (5) Properly administering glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner, and recording the results.
- (6) Recognizing complications that require emergency medical assistance.
- (7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is

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disrupted.

(b) The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training and the state department of health, shall develop and provide a diabetes training program for volunteer health aides, which includes the most current standards of practice and technology for diabetes, and treatment. The training must include the following:

(1) Implementing the orders of a licensed health care practitioner.

(2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.

(3) Performing tests to check glucose and ketone levels, and recording the results.

(4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.

(5) Recognizing complications that require emergency medical assistance.

(6) Understanding:

(A) recommended schedules and food intake for meals and snacks;

(B) the effect of physical activity on blood glucose levels; and

(C) the proper action to be taken if a student's schedule is disrupted.

(c) The school nurse shall coordinate:

(1) the training of school employees acting as volunteer health aides, using the training program developed under subsection (b); and

(2) the record keeping and monitoring of a volunteer health aide acting under this chapter.

(d) Training for volunteer health aides must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

(1) the enrollment; or

(2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(e) The school nurse or principal shall maintain a copy of the

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1 training program and the records of training completed by school  
2 employees.

3 Sec. 16. (a) The school nurse shall perform the tasks necessary  
4 to assist a student in carrying out the student's individualized  
5 health plan.

6 (b) When necessary, a volunteer health aide may perform the  
7 tasks necessary to assist a student in carrying out the student's  
8 individualized health plan, in compliance with the training  
9 guidelines provided under section 15 of this chapter.

10 (c) A volunteer health aide may act under this section only if the  
11 parent or legal guardian of the student signs an agreement that:

12 (1) authorizes a volunteer health aide to assist the student;  
13 and

14 (2) states that the parent or legal guardian understands that,  
15 as provided under IC 34-30-14, a volunteer health aide is not  
16 liable for civil damages for assisting in the student's care.

17 (d) A volunteer health aide who assists a student under this  
18 section:

19 (1) is not considered to be engaging in the practice of nursing;  
20 and

21 (2) is exempt from applicable statutes and rules that restrict  
22 activities that may be performed by an individual who is not  
23 an individual licensed or authorized under IC 25 to provide  
24 health care services.

25 (e) A school corporation may not restrict the assignment of a  
26 student to a particular school on the sole basis of whether the  
27 school has volunteer health aides.

28 Sec. 17. (a) As provided in a student's individualized health plan,  
29 a school shall, except in an emergency, allow the student to attend  
30 to the management and care of the student's diabetes if the student  
31 has been evaluated and determined to be capable of doing so as  
32 reflected in the student's individual health plan and the student's  
33 diabetes management and treatment plan, including the following  
34 activities:

35 (1) Performing blood glucose level checks.

36 (2) Administering insulin through the insulin delivery system  
37 the student uses.

38 (3) Treating hypoglycemia and hyperglycemia.

39 (4) Possessing on the student's person at any time the supplies  
40 or equipment necessary to monitor and care for the student's  
41 diabetes.

42 (5) Otherwise attending to the management and care of the

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student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

(b) The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency.

Sec. 18. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

- (1) identifies the student with diabetes;
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and
- (3) provides the telephone number of a contact in case an emergency occurs.

SECTION 3. IC 34-6-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.

SECTION 4. IC 34-30-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A school or school board may not:

- (1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:
    - (A) medication, drugs, or tests described in section 2 of this chapter; or
    - (B) health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or
  - (2) discipline a teacher or other school employee who:
    - (A) is not employed as a school nurse or physician; and
    - (B) refuses to administer medication, drugs, or tests without the written:
      - (i) authority of a pupil's parent or guardian; or
      - (ii) order of a practitioner;
- required under section 2 of this chapter; or
- (C) refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes.

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SECTION 5. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers **to a pupil:**

(1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:

(A) written order of a practitioner; and

(B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;

(3) a ~~blood~~ glucose test ~~by finger prick~~ in compliance with the written order of a practitioner; ~~or~~

**(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or**

~~(4)~~ **(5) any combination of subdivisions (1) through (3); (4);**

**to a pupil is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employee as a result of the administration except for an act or omission amounting to gross negligence or willful and wanton misconduct.**

SECTION 6. IC 34-30-14-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A teacher:

(1) who meets the requirement of IC 20-28-5-3(c); and

(2) who:

(A) performs cardiopulmonary resuscitation on;

(B) performs the Heimlich maneuver on; or

(C) removes a foreign body that is obstructing an airway of;

**another person, in the course of employment as a teacher; is not liable in a civil action for damages resulting from an act or omission occurring during the provision of emergency assistance under this section, unless the act or omission constitutes gross negligence or willful and wanton misconduct.**

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2007, a college or university located in Indiana may recommend to

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1 a person who has been accepted in a teacher training program  
 2 before July 1, 2007, that the person should meet the requirements  
 3 of IC 20-28-5-3(c), as amended by this act.

4 (b) This SECTION expires June 30, 2009.

5 SECTION 8. [EFFECTIVE JULY 1, 2007] (a) As used in this  
 6 SECTION, "ADM" refers to a school corporation's average daily  
 7 membership determined under IC 20-43-4-2.

8 (b) As used in this SECTION, "school corporation" means a  
 9 public school corporation established by Indiana law. The term  
 10 includes a:

- 11 (1) school city;
- 12 (2) school town;
- 13 (3) school township;
- 14 (4) consolidated school corporation;
- 15 (5) metropolitan school district;
- 16 (6) township school corporation;
- 17 (7) county school corporation;
- 18 (8) united school corporation; or
- 19 (9) community school corporation.

20 (c) On the date a school corporation reports the school  
 21 corporation's ADM for the 2007-2008 school year, the school  
 22 corporation shall also report:

- 23 (1) the number of students in the school corporation who have
- 24 a chronic disease, by disease category; and
- 25 (2) the number of school nurses.

26 Chronic disease includes asthma, diabetes, and any other disease  
 27 the department of education determines is significant for the school  
 28 corporation to report.

29 (d) The department of education shall provide the information  
 30 required to be reported in subsection (c) to the health finance  
 31 commission established by IC 2-5-23-3 not later than sixty (60)  
 32 days after the department of education receives the reported  
 33 information.

34 (e) This SECTION expires June 30, 2008.

35 SECTION 9. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1116, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "a course" and insert "**training**".

Page 2, between lines 35 and 36, begin a new paragraph and insert:  
"SECTION 2. IC 20-34-5 IS ADDED TO THE INDIANA CODE  
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2007]:

**Chapter 5. Care of Students With Diabetes**

**Sec. 1. As used in this chapter, "care assistant" means a school employee who:**

- (1) is not a licensed health care professional; and
- (2) has successfully completed the training required under section 10 of this chapter.

**Sec. 2. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 7 of this chapter.**

**Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.**

**Sec. 4. As used in this chapter, "licensed health care practitioner" means a nurse practitioner.**

**Sec. 5. As used in this chapter, "school employee" means an individual employed by:**

- (1) a public school or an accredited nonpublic school;
- (2) a local health department working with a school under this chapter; or
- (3) another entity with which a school has contracted to perform the duties required under this chapter.

**Sec. 6. As used in this chapter, "student" refers to a student with diabetes.**

**Sec. 7. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes whose parent seeks care for the student's diabetes while the student is at school or participating in a school activity. The plan must be developed by:**

- (1) the student's parent; and
- (2) the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

**(b) A diabetes management and treatment plan must:**

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(1) identify the health care services the student may receive at school;

(2) evaluate the student's:

(A) ability to manage; and

(B) level of understanding of;  
the student's diabetes; and

(3) be signed by the student's parent and the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent of a student who seeks care for the student's diabetes while the student is at school or participating in a school activity shall submit a copy of the student's diabetes management and treatment plan to the school. The plan must be submitted to and be reviewed by the school:

(1) before or at the beginning of a school year;

(2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or

(3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 8. (a) An individualized health plan must be developed for each student whose parent seeks care for diabetes while the student is at school or participating in a school activity. The school's principal and nurse, if the school has a nurse, shall develop a student's individualized health plan in collaboration with:

(1) the student's parent;

(2) to the extent practicable, the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment; and

(3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

(1) seek school employees to serve as care assistants; and

(2) make efforts to ensure that the school has:

(A) at least one (1) care assistant if a full-time nurse is assigned to the school; and

(B) at least two (2) but not more than five (5) care assistants if a full-time nurse is not assigned to the school.

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(b) A care assistant while providing health care services serves under the supervision and authorization of the principal and the school nurse, if the school has a nurse.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as a care assistant.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

- (1) Recognizing the symptoms of hypoglycemia and hyperglycemia.
- (2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.
- (3) Understanding the details of a student's individualized health plan.
- (4) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of the checks.
- (5) Properly administering glucagon and insulin, and recording the results of the administration.
- (6) Recognizing complications that require emergency medical assistance.
- (7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as care assistants, using the training program developed under subsection (a).

(c) Training for care assistants must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

- (1) the enrollment; or
- (2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the

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training program and the records of training completed by the school employees.

**Sec. 11. (a)** If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

**(b)** If a school nurse is not assigned to a school or the nurse is not available, a care assistant shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. A care assistant must have access to a health care professional with expertise in the care of individuals with diabetes or a principal must have access to the licensed physician or licensed health care practitioner responsible for the student's diabetes treatment if a care assistant acts under this subsection.

**(c)** A care assistant may act under this section only if the parent of the student signs an agreement that:

- (1)** authorizes a care assistant to assist the student; and
- (2)** states that the parent understands that, as provided under IC 34-30-14, a care assistant is not liable for civil damages for assisting in the student's care.

**(d)** A care assistant who assists a student under this section:

- (1)** is not considered to be engaging in the practice of nursing;
- (2)** is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not a health care professional; and
- (3)** may exercise reasonable judgment in deciding whether to contact a health care provider in a medical emergency involving a student with diabetes.

**(e)** A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not have the required care assistants.

**Sec. 12.** As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including but not limited to the following activities:

- (1)** Performing blood glucose level checks.
- (2)** Administering insulin through the insulin delivery system the student uses.
- (3)** Treating hypoglycemia and hyperglycemia.
- (4)** Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's

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diabetes.

(5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

**Sec. 13. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:**

- (1) identifies the student with diabetes;**
- (2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency;**
- and**
- (3) provides the telephone number of a contact in case an emergency occurs.**

**SECTION 3. IC 34-30-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. If compliance with sections 3 and 4 of this chapter has occurred, a school administrator, teacher, or other school employee designated by the school administrator, after consultation with the school nurse, who in good faith administers:**

- (1) a nonprescription medication in compliance with the written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;**
- (2) a legend drug (as defined in IC 16-18-2-199 and including injectable insulin) in compliance with the:**
  - (A) written order of a practitioner; and**
  - (B) written permission of the pupil's parent or guardian, except in the case of a life threatening emergency;**
- (3) a blood glucose test by finger prick in compliance with the written order of a practitioner; or**
- (4) any combination of subdivisions (1) through (3);**

**to a pupil is not personally liable for civil damages for any act that is incident to or within the scope of the duties of the employees position of employment or that involves the exercise of judgment or discretion on the part of the employee as a result of the administration except for an act or omission amounting to gross**

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negligence or willful and wanton misconduct."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as introduced.)

PORTER, Chair

Committee Vote: yeas 9, nays 0.

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Report of the President  
Pro Tempore

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1116, currently assigned to the Committee on Education and Career Development, be reassigned to the Committee on Health and Provider Services.

LONG

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1116, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 2.

Page 3, line 3, delete "2." and insert "1".

Page 3, line 4, delete "7" and insert "12".

Page 3, between lines 5 and 6, begin a new paragraph and insert:

**"Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1."**

Page 3, line 10, delete "a nurse practitioner." and insert **"an individual who:**

**(1) is licensed to provide health care services; and**

**(2) has prescriptive authority;**

**under IC 25.**

**Sec. 5. As used in this chapter, "physician" refers to an individual who is licensed under IC 25-22.5.**

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**Sec. 6. As used in this chapter, "registered nurse" refers to an individual who is licensed as a registered nurse under IC 25-23.**

**Sec. 7. As used in this chapter, "school" refers to a public school, including a charter school."**

Page 3, line 11, delete "5." and insert "8."

Page 3, line 13, after "public school" insert ", including a charter school,".

Page 3, line 18, delete "6." and insert **"9. As used in this chapter, "school nurse" refers to an individual who:**

- (1) is employed by a school;**
- (2) is licensed as a registered nurse under IC 25-23; and**
- (3) meets the requirements set forth in 515 IAC 8-1-47.**

**Sec. 10."**

Page 3, between lines 19 and 20, begin a new paragraph and insert:

**"Sec. 11. As used in this chapter, "volunteer health aide" means a school employee who:**

- (1) is not licensed or authorized to provide health care services under IC 25;**
- (2) volunteers to act in the capacity of a volunteer health aide; and**
- (3) has successfully completed the training described in section 14 of this chapter."**

Page 3, line 20, delete "7." and insert **"12."**

Page 3, line 21, delete "whose" and insert **"for use during school hours or at a school related activity."**

Page 3, delete line 22.

Page 3, line 23, delete "school or participating in a school activity."

Page 3, run in lines 21 through 23.

Page 3, delete line 25.

Page 3, line 26, delete "(2)" and insert **"(1)"**.

Page 3, line 26, delete "licensed physician or".

Page 3, line 27, delete "." and insert **"; and**

**(2) the student's parent or legal guardian."**

Page 3, line 29, after "services" insert **"or procedures"**.

Page 3, line 29, delete "may" and insert **"should"**.

Page 3, line 35, after "parent" insert **"or legal guardian"**.

Page 3, line 36, delete "physician or licensed".

Page 3, line 38, after "parent" insert **"or legal guardian"**.

Page 3, line 38, delete "who seeks care for the student's" and insert **"with"**.

Page 3, line 39, delete "while the student is at school or participating in a school".

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Page 3, line 40, delete "activity".

Page 3, line 41, delete "school." and insert "**school nurse.**".

Page 3, line 42, delete "school:" and insert "**school nurse:**".

Page 4, line 6, delete "8." and insert "**13.**".

Page 4, line 7, delete "whose parent seeks care for" and insert "**with**".

Page 4, line 9, delete "principal and nurse, if the school has a nurse," and insert "**nurse**".

Page 4, delete line 11.

Page 4, line 12, delete "(2)" and insert "**(1)**".

Page 4, line 12, delete "licensed physician or".

Page 4, line 14, delete "and", begin a new line block indented and insert:

**(2) the school principal;**

**(3) the student's parent or legal guardian; and".**

Page 4, line 15, delete "(3)" and insert "**(4)**".

Page 4, line 18, delete "A school shall develop a student's individualized health plan".

Page 4, delete lines 19 through 20.

Page 4, line 21, delete "9." and insert "**14.**".

Page 4, line 22, delete "principal" and insert "**principal, after consultation with the school nurse,**".

Page 4, line 23, delete "care assistants;" and insert "**volunteer health aides;**".

Page 4, line 24, delete "has:" and insert "**has an adequate number of volunteer health aides to care for students.**".

Page 4, delete lines 25 through 28.

Page 4, line 29, delete "care assistant" and insert "**volunteer health aide**".

Page 4, line 31, delete ", if the school has a nurse." and insert "**in accordance with the requirements that apply to the school nurse under IC 25-23.**".

Page 4, line 32, after "(c)" insert "**A volunteer health aide must have access to the school nurse, in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.**

**(d)".**

Page 4, line 33, delete "care assistant." and insert "**volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:**

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- (1) chooses to perform; and
- (2) is trained to perform in the training program described in section 15 of this chapter."

Page 4, line 34, delete "10." and insert "15."

Page 4, line 34, delete "state department of health," and insert "department,".

Page 4, line 34, after "assistance" insert **"of physicians or registered nurses who are qualified in the area of diabetes training and the state department of health, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and"**.

Page 4, delete line 35.

Page 4, run in lines 34 through 36.

Page 4, line 37, after "(1)" insert **"Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.**

**(2)".**

Page 4, line 37, after "Recognizing" insert **"and treating"**.

Page 4, line 39, delete "(2)" and insert **"(3)"**.

Page 4, line 39, after "Understanding" insert **"the current standards of practice and"**.

Page 5, delete lines 1 through 2.

Page 5, line 3, delete "finger sticks" and insert **"tests"**.

Page 5, line 3, delete "blood glucose" and insert **"glucose and ketone"**.

Page 5, line 4, delete "checking urine ketone levels,".

Page 5, line 4, delete "results of the" and insert **"results."**.

Page 5, delete line 5.

Page 5, line 6, delete "glucagon and insulin," and insert **"glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner,"**.

Page 5, line 7, delete "results of the administration." and insert **"results."**.

Page 5, line 15, delete "If a school nurse is assigned to a school, the" and insert **"The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training and the state department of health, shall develop and provide a diabetes training program for volunteer health aides, which includes the most current standards of practice and technology for diabetes, and treatment. The training must include the following:**

- (1) Implementing the orders of a licensed health care

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practitioner.

(2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.

(3) Performing tests to check glucose and ketone levels, and recording the results.

(4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.

(5) Recognizing complications that require emergency medical assistance.

(6) Understanding:

(A) recommended schedules and food intake for meals and snacks;

(B) the effect of physical activity on blood glucose levels; and

(C) the proper action to be taken if a student's schedule is disrupted.

(c) The".

Page 5, line 16, delete "coordinate" and insert "**coordinate:**

(1)".

Page 5, line 16, delete "care" and insert "**volunteer health aides,**".

Page 5, line 17, delete "assistants,".

Page 5, line 18, delete "(a)." and insert "**(b); and**

**(2) the record keeping and monitoring of a volunteer health aide acting under this chapter."**

Page 5, line 19, delete "(c)" and insert "**(d)**".

Page 5, line 19, delete "care assistants" and insert "**volunteer health aides**".

Page 5, line 28, delete "(d)" and insert "**(e)**".

Page 5, line 29, delete "by the" and insert "**by**".

Page 5, line 31, delete "11." and insert "**16.**".

Page 5, line 31, delete "If a school nurse is assigned to a school and the nurse".

Page 5, line 32, delete "is available, the" and insert "**The school**".

Page 5, line 34, delete "If a school nurse is not assigned to a school or the nurse is" and insert "**When necessary, a volunteer health aide may**".

Page 5, line 35, delete "not available, a care assistant shall".

Page 5, line 38, delete "10" and insert "**15**".

Page 5, line 38, delete "A care assistant must have access to a".

Page 5, delete lines 39 through 42.

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Page 6, delete line 1.

Page 6, line 2, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 2, after "parent" insert **"or legal guardian"**.

Page 6, line 4, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 5, after "parent" insert **"or legal guardian"**.

Page 6, line 6, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 8, delete "care assistant" and insert **"volunteer health aide"**.

Page 6, line 9, after "nursing;" insert **"and"**.

Page 6, line 12, delete "a health care professional; and" and insert **"an individual licensed or authorized under IC 25 to provide health care services."**

Page 6, delete lines 13 through 15.

Page 6, line 17, after "on the" insert **"sole"**.

Page 6, line 17, delete "that" and insert **"of whether"**.

Page 6, line 17, delete "does not" and insert **"has volunteer health aides."**

Page 6, delete line 18.

Page 6, line 19, delete "12." and insert **"17. (a)"**.

Page 6, line 20, delete "corporation".

Page 6, line 20, after "shall" insert **", except in an emergency,"**.

Page 6, line 21, delete "diabetes," and insert **"diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's individual health plan and the student's diabetes management and treatment plan,"**.

Page 6, line 21, delete "but not".

Page 6, line 22, delete "limited to".

Page 6, between lines 32 and 33, begin a new paragraph and insert:

**"(b) The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency."**

Page 6, line 33, delete "13." and insert **"18."**

Page 6, after line 42, begin a new paragraph and insert:

**"SECTION 3. IC 34-6-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.7. "Basic life support" has the meaning set forth in IC 16-18-2-33.5.**

**SECTION 4. IC 34-30-14-1 IS AMENDED TO READ AS**

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FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. A school or school board may not:

(1) require a teacher or other school employee who is not employed as a school nurse or physician to administer:

(A) medication, drugs, or tests described in section 2 of this chapter; or

**(B) health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes; or**

(2) discipline a teacher or other school employee who:

(A) is not employed as a school nurse or physician; and

(B) refuses to administer medication, drugs, or tests without the written:

(i) authority of a pupil's parent or guardian; or

(ii) order of a practitioner;

required under section 2 of this chapter; or

**(C) refuses to administer health care services, basic life support, or other services that require the teacher or employee to place the teacher's or employee's hands on a pupil for therapeutic or sanitary purposes."**

Page 7, line 6, delete ":" and insert "**to a pupil:**".

Page 7, line 15, strike "blood".

Page 7, line 15, strike "by finger prick".

Page 7, line 16, strike "or".

Page 7, between lines 16 and 17, begin a new line block indented and insert:

**"(4) health care services, basic life support, or other services that require the administrator, teacher, or employee to place the administrator's, teacher's, or employee's hands on the pupil for therapeutic or sanitary purposes; or"**

Page 7, line 17, strike "(4)" and insert "**(5)**".

Page 7, line 17, strike "(3);" and insert "**(4);**".

Page 7, line 18, strike "to a pupil".

Page 7, line 19, delete "employees" and insert "**employee**".

Page 7, delete line 20.

Page 7, line 21, delete "or discretion on the part of the employee".

Page 7, run in lines 19 through 21.

Page 8, between lines 2 and 3, begin a new paragraph and insert:

**"SECTION 6. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "ADM" refers to a school corporation's average daily membership determined under IC 20-43-4-2.**

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(b) As used in this SECTION, "school corporation" means a public school corporation established by Indiana law. The term includes a:

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation; or
- (9) community school corporation.

(c) On the date a school corporation reports the school corporation's ADM for the 2007-2008 school year, the school corporation shall also report:

- (1) the number of students in the school corporation who have a chronic disease, by disease category; and
- (2) the number of school nurses.

Chronic disease includes asthma, diabetes, and any other disease the department of education determines is significant for the school corporation to report.

(d) The department of education shall provide the information required to be reported in subsection (c) to the health finance commission established by IC 2-5-23-3 not later than sixty (60) days after the department of education receives the reported information.

(e) This SECTION expires June 30, 2008."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1116 as printed February 16, 2007.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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